

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
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Room G-255, North Lobby
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<http://www.jpml.uscourts.gov>

October 23, 2003

Bruce Rifkin, Clerk
215 William Kenzo Nakamura
U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130



OCT 27 2003

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Curtis O'Neal v. Bayer Corp., N.D. Mississippi, C.A. No. 3:02-201

Barbara Payton v. Smithkline Beecham Corp., S.D. Mississippi, C.A. No. 4:03-318

Larnell Kelly v. Bayer Corp., S.D. Mississippi, C.A. No. 5:03-440

Susan Fiorito, et al. v. Pharmaceutical Formulations, Inc., et al., S.D. New York, C.A. No. 1:03-2900

Dear Mr. Rifkin:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the above-captioned actions on October 7, 2003. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk



01-MD-01407-ORD

Attachments

cc: Transferee Judge: Judge Barbara Jacobs Rothstein
Transferor Judges: Judge David C. Bramlette; Judge Glen H. Davidson; Judge Tom S. Lee;
Judge Robert W. Sweet
Transferor Clerks: Arlen B. Coyle; J. Michael McMahon; J.T. Noblin

A CERTIFIED TRUE COPY

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

DOCKET NO. 1407

OCT - 7 2003

OCT 23 2003

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

ATTEST
IN THE CLERK'S OFFICE
MULTIDISTRICT LITIGATION

IN RE: PHENYLETHANOLAMINE (PPA) PRODUCTS LIABILITY

Curtis O'Neal v. Bayer Corp., N.D. Mississippi, C.A. No. 3:02-201
Barbara Payton v. Smithkline Beecham Corp., S.D. Mississippi, C.A. No. 4:03-318
Larnell Kelly v. Bayer Corp., S.D. Mississippi, C.A. No. 5:03-440
Susan Fiorito, et al. v. Pharmaceutical Formulations, Inc., et al.,
S.D. New York, C.A. No. 1:03-2900

CONDITIONAL TRANSFER ORDER (CTO-35)

On August 28, 2001, the Panel transferred eight civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,229 additional actions have been transferred to the Western District of Washington. With the consent of that court, all such actions have been assigned to the Honorable Barbara Jacobs Rothstein.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Western District of Washington and assigned to Judge Rothstein.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of August 28, 2001, 173 F.Supp.2d 1377 (J.P.M.L. 2001), and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

OCT 23 2003

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

DOCKET NO. 1407

OCT - 7 2003

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION FILED
CLERK'S OFFICE

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY
LITIGATION**

Curtis O'Neal v. Bayer Corp., N.D. Mississippi, C.A. No. 3:02-201
Barbara Payton v. Smithkline Beecham Corp., S.D. Mississippi, C.A. No. 4:03-318
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FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

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pending at this time, the
stay is lifted.

OCT 23 2003

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

INVOLVED COUNSEL LIST (CTO-35)
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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